

BOARD OF SUPERVISORS

Brown County



305 E. WALNUT STREET
P. O. BOX 23600
GREEN BAY, WISCONSIN 54305-3600
PHONE (920) 448-4015 FAX (920) 448-6221

LAND CONSERVATION SUBCOMMITTEE
Norbert Dantine, Chair; Dave Kaster, Vice Chair
Steve Deslauriers, Bernie Erickson, Alex Tran
Citizen Rep: Stan Kaczmarek

LAND CONSERVATION SUBCOMMITTEE

Monday, January 28, 2019

6:00 PM

**Room 200, Northern Building
305 E. Walnut Street**

**NOTICE IS HEREBY GIVEN THAT THE COMMITTEE MAY TAKE ACTION ON
ANY ITEMS LISTED ON THE AGENDA**

- I. Call Meeting to Order.
- II. Approve/Modify Agenda.
- III. Approve/Modify Minutes of November 26, 2018.

Comments from the Public

Land Conservation Department

1. Open Positions Report.
2. Budget Status Financial Report for November 2018 – Unaudited.
3. Director's Report.
 - a. 2018 Goals and Accomplishments.
 - b. Wisconsin Wildlife Damage Program Plan of Administration

Other

4. Such Other Matters as Authorized by Law.
5. Adjourn.

Norb Dantine, Jr., Chair

Notice is hereby given that action by the Committee may be taken on any of the items which are described or listed in this agenda.

Please take notice that it is possible additional members of the Board of Supervisors may attend this meeting, resulting in a majority or quorum of the Board of Supervisors. This may constitute a meeting of the Board of Supervisors for purposes of discussion and information gathering relative to this agenda.

**PROCEEDINGS OF THE BROWN COUNTY
LAND CONSERVATION SUBCOMMITTEE**

Pursuant to Section 18.94 Wis. Stats., a regular meeting of the **Brown County Land Conservation Subcommittee** was held on Monday, November 26, 2018 in Room 200, Northern Building, 305 E. Walnut St., Green Bay, WI

Present: Supervisors Norbert Dantinne, Dave Kaster, Bernie Erickson, Steve Deslauriers, Supervisor Tran, Citizen Rep Stan Kaczmarek

Also Present: County Conservationist Mike Mushinski, Assistant County Conservationist Jon Bechle, and other interested parties

I. Call Meeting to Order.

The meeting was called to order by Chairman Dantinne at 6:00 p.m.

II. Approve/Modify Agenda.

Motion made by Supervisor Kaster, seconded by Stan Kaczmarek to approve. Vote taken. **MOTION CARRIED UNANIMOUSLY**

III. Approve/Modify Minutes of October, 2018.

Motion made by Supervisor Erickson, seconded by Supervisor Kaster to approve. Vote taken. **MOTION CARRIED UNANIMOUSLY**

Comments from the Public None.

Land and Water Conservation

1. Open Position Report.

County Conservationist Mushinski informed they had the Agronomist position open.

2. Directors Report.

a. DATCP Transfer.

Assistant County Conservationist Jon Bechle informed the state allocated cost share dollars to every county on an annual basis, where farmers or landowners put in practices, these ones were used to offset typically up to 70% of the cost of those practices. Brown County had more requests for funding this year than they actually got originally in their allocation from the state so the state allowed counties to transfer money amongst each other to go towards projects and they received cost share funds from Manitowoc and Oconto County.

Motion made by Supervisor Erickson, seconded by Stan Kaczmarek to approve \$12,000 transfer from Manitowoc and \$4,648 transfer from Oconto County. Vote taken. **MOTION CARRIED UNANIMOUSLY**

b. Livestock Facility Siting Review Board Determination.

Mushinski referred to the handout in the packet and informed the Ledgeview farm issue went to the Siting Board. Two things happen; the town could take into consideration the past compliance of the permittee and could still deny the permit because of past issues of non-compliance. The Livestock Facility Siting struck down the town's more stringent manure setback standard.

In talking with a committee member Stan Kaczmarek noted the reason distance got setback was they didn't want to start having towns setting precedence of setbacks, the state had a setback. Their final recommendation will be in print form at their next meeting. There were too many things that Ledgeview had not complied with. |||

Kaster understood it was up to the towns to enforce setbacks. Mushinski responded, the town tried to go to 1,320' so the siting board informed the most they could go was 350'.

Motion made by Supervisor Erickson, seconded by Supervisor Kaster to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY

c. Shallow Soils Landowner Notification.

Mushinski informed they were at the point where they had done some location of shallow soils, 0-5'. They had plans to get the letter, in the packet, out this winter to 262 affected landowners. This was the first shot at the real shallow soil. NR151 went from 0-20' for manure spreading restrictions. Their maps were only good 0-5' so as they got more data on the 5-20', the list of landowners will grow drastically and so will the notifications to consultants and manure haulers.

Erickson questioned the rules of commercial waste. Bechle informed they had their own set of rules; animal waste was handled under a separate chapter than industrial municipal waste. They did allow industrial waste to be stored in animal waste storage facilities, which could potentially compromise the capacity for animal waste. They had some overflows occur. When they started looking into it they were finding industrial waste in some cases going into these storage facilities and also being land applied. The whole concept of nutrient management was what they started looking at and trying to gather all that information on various nutrient sources being stored and land applied. They continued to request those from the state. Those were required to be tracked on the nutrient management plans that the farmers prepared; to follow the nutrient management guidelines if they used both of those resources of the nutrients. As a farmer, Kaczmarek stated some things were thought of as ag waste when it was industrial waste.

Dantinne questioned if they had jurisdiction over this one? Mushinski responded that it was in the works right now and that's why they needed to amend their ordinance to add this in. DNR promulgated the rules but DATCP had to act on the process, the funding, and enforcement part. Very quickly the county would be responsible to enforce this ordinance. It was an addition to NR151 in the shallow soils area so the counties generally took the lead role in doing it.

Motion made by Supervisor Kaster, seconded by Stan Kaczmarek to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY

Other

3. Such Other Matters as Authorized by Law.

Kaczmarek informed that every year the Brown County Farm Bureau gave a conservation award out and the last few years the UW-Extension office had done a video. Van De Hey: New Horizon's Dairy, LLC got the award and he wanted to share the video: <https://www.youtube.com/watch?v=FMQT40T0xvg>

4. Adjourn.

Motion made by Supervisor Erickson, seconded by Supervisor Kaster to adjourn at 6:30 pm. Vote Taken. MOTION CARRIED UNANIMOUSLY.

Respectfully submitted,

Alicia Loehlein
Recording Secretary

///

Departmental Openings Summary

1-Jan-19

To: Land Conservation Committee

From: Land & Water Conservation Department

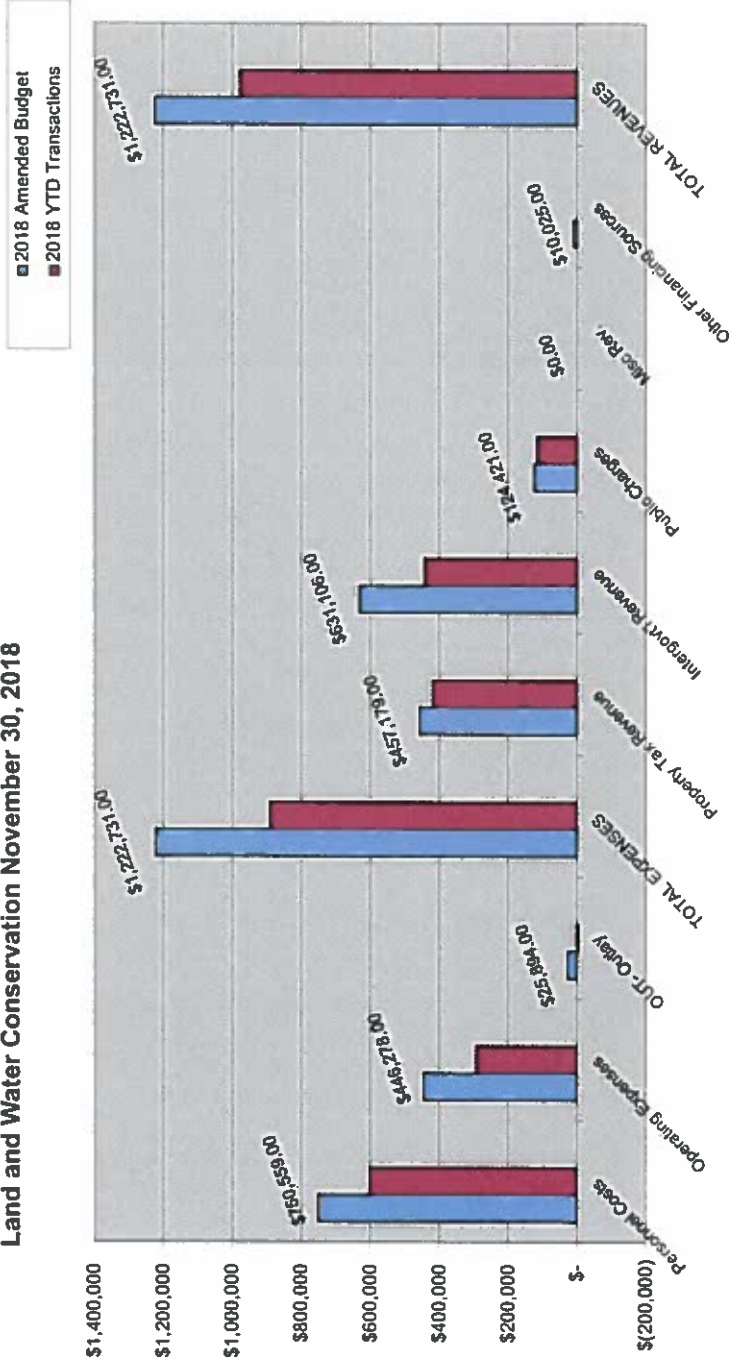
Position	Vacancy Date	Reason for Leaving	Fill or Hold	Unfilled Reason
Agronomist	Current	N/A	open	

Ex: Transfer, Wage, Working Conditions

Brown County Land & Water Conservation
Budget Status Report (unaudited)
November 30, 2018

	2018 Amended Budget	2018 YTD Transactions		2017 Amended Budget	2017 YTD Transactions
Personnel Costs	\$750,559.00	\$601,510.27	Personnel Costs	\$716,633.00	\$583,571.40
Operating Expenses	\$446,278.00	\$293,343.42	Operating Expenses	\$550,427.00	\$397,393.29
OUT- Outlay	\$25,894.00	-\$5,075.01	OUT- Outlay	\$0.00	\$0.00
TOTAL EXPENSES	\$1,222,731.00	\$889,778.68	TOTAL EXPENSES	\$1,267,060.00	\$980,964.69
Property Tax Revenue	\$457,179.00	\$419,080.75	Property Tax Revenue	\$437,922.00	\$401,428.50
Intergov't Revenue	\$631,106.00	\$443,058.95	Intergov't Revenue	\$695,318.00	\$520,583.16
Public Charges	\$124,421.00	\$115,789.64	Public Charges	\$131,806.00	\$130,445.00
Misc Rev.	\$0.00	\$346.12	Misc Rev.	\$0.00	\$500.62
Other Financing Sources	\$10,025.00	\$0.00	Other Financing Sources	\$2,014.00	\$0.00
TOTAL REVENUES	\$1,222,731.00	\$978,275.46	TOTAL REVENUES	\$1,267,060.00	\$1,052,957.28

Land and Water Conservation November 30, 2018



5 year Work Plan Goal and Objective description	2016-2020 Annual Goals	Accomplishments				
		2016	2017	2018	2019	2020
Priority 1 – Working Lands Initiative (WLI) The Working Lands Initiative is a statewide effort that protects and preserves agricultural lands, by ensuring that they remain in agricultural use. The Land and Water Conservation Department offers technical assistance to landowners that participate in this program.						
1. Assist landowners in complying with NR151 (relates to agricultural run-off pollution) and ATP50 (relates to soil and water resource management) on their agricultural property	7,000 acres	6,815	7,432	7,100		
2. Develop (review) and implement schedules of compliance to meet state conservation standards	55	52	73	40		
3. Installation of sediment and phosphorus reduction practices.	53	53	51	46		
4. Issue Certificate of Compliance (annual certification) for the Working Lands/Farmland Preservation Program	525	428	567	565		
Priority 2 – Lower Fox Demonstration Farm Network (LFDNF) The Lower Fox Demonstration Farm Network is a locally driven effort that is farmer-led in nature. Through a process of research and implementation, farmers transition into new cropping practices and farm management practices that can improve soil health, expand crop yields and greatly reduce agricultural run-off on Brown County farms.						
1. Host field day events at demonstration farm sites that highlight new equipment, technologies, etc.	2	2	5	10		
2. Conduct conference/workshop	1	1	2	2		
3. Present LFDNF information at regional water quality conferences	2	4	4	11		
4. Group Tours of Demonstration Farms	4	7	6	6		
5. Demo Farm Participants	8	6	7	8		

Priority 3 – Animal Waste Management Ordinance							
The Animal Waste Management Ordinance regulates the location and construction of animal waste storage facilities and feedlots in order to better protect surface and groundwater in Brown County.							
1. Develop new nutrient management plans	1,000 acres	560	1,201	240			
2. Review current nutrient management plans (acres reviewed & reported)	125,000 acres	131,428	125,782	125,000			
3. Inspect farm operations that have >500 animal units	35	38	35	35			
4. Prepare winter spreading plans upon request	55	80	55	67			
5. Upon request, inspect animal waste complaints (complaint driven)	20	21	12	28			
6. Construction practice installation	20	22	18	15			
Priority 4 – Agriculture Shoreland Management Ordinance							
The Agriculture Shoreland Management Ordinance requires vegetated buffer strips along every stream in Brown County's unincorporated municipalities.							
1. Install riparian buffers (a vegetated buffer strip)	3-5 miles	4	3	2			
Priority 5 – Priority Watershed Planning							
Watershed plans consistent with EPA's 9 key elements provide a framework for improving water quality in a holistic manner within a geographic watershed. Now that these plans have been developed, Brown County Land and Water Conservation wants to move into implementation.							
1. Collaborate with Outagamie County and DNR to inventory streams, cropland and production areas within the Lower East River watershed. Great Lakes Restoration Initiative funding proposal submitted. Continued pursuit of funding is necessary for implementation.	40 production sites, 96 miles stream, 12,000 cropland acres	1	1	1			
2. Co-author final report with strategy recommendations for the Lower East River watershed.	1	1	1	1			
3. Utilize EVAAL and Stream Power Index model to target high priority fields for conservation control in the Lower East River watershed.	-	-	-	-			
Priority 6 – Upper East River Watershed Project							

1. Meet with Fox-Wolf Watershed Alliance	6	-	2	6	
2. Acres of cover crop	1,000	-	-	600	
3. Acres of buffers	8	-	-	2	
Priority 7 – Wildlife Damage Program The Wildlife Damage Program assists farmers when wildlife damages their crops. This may include damage prevention assistance and compensation to abate animal nuisances. Shooting permits may be issued in some instances. This program is implemented via landowner inquiries/damage complaints.					
1. Provide technical support to landowners	15	15	15	15	
2. Provide cost-share for abatement to landowners	2	3	1	1	
3. Process damage claims for crop loss	8	7	7	5	
4. Coordinate with DNR application for shooting permits and damage claims.	5	7	8	8	
Priority 8 – West Shore Northern Pike Habitat Restoration Project The West Shore Northern Pike Habitat Restoration Project is an effort to bring pike back to their historic breeding grounds through the restoration of their natural habitats. This includes restoring wetlands, reducing sediment and pollutants from entering the habitat area, installing vegetated buffers, and removing impediments to fish navigation. *Weather conditions in 2017 impacted construction of practices.					
1. Install riparian buffers/stream miles opened	3 miles	0	0*	5.25	
2. Install critical area habitat/wetland restorations	3 acres	1.5	0*	3.2	
3. Conduct area wide monitoring program to determine project success.	24 sites	24	23	23	
4. Stream impediments removed	3	6	3	4	
Priority 9 – Fox P Trade Water quality trading consists of permit holders being able to maintain compliance with DNR-issued permits by achieving pollutant reduction less expensively in another section of the watershed. The idea behind this is that it achieves the same positive benefit to the watershed as a whole, but provides an alternative option for a permit holder where pollutant reduction is prohibitively expensive.					
1. Provide technical assistance to develop credit model – number model runs	8	32	11	-	

*Due to wet weather conditions during spring/summer projects were not installed. Anticipate installation during 2018 construction season.

2.	Work with landowner to establish trading credits – develop trading plans	1	1	1	1	1	
3.	Attend Fox P Trade work group team meetings	1	6	0	2		
Priority 10 – Assist DNR in drafting the Total Maximum Daily Load Implementation Plan							
Total Maximum Daily Load is a regulatory term in the U.S. Clean Water Act which describes the maximum amount of pollutants that a body of water can receive while still meeting clean water quality standards. The Wisconsin DNR is involved in determining which TMDL standards must be achieved and by what timeframe in Brown County. Land and Water Conservation Dept. are critical to implementation of these goals.							
1.	Attend bi-monthly planning meetings of Agricultural Runoff Team	6	5	5	6		
2.	Attend bi-monthly TMDL implementation team	6	5	5	6		
Priority 11 – Land and Water Conservation Department Administration							
This section refers to programming and efforts that the Land and Water Conservation Department leads.							
1.	Annual seedling tree sale	11,000	13,750	15,350	13,275		
2.	\$.50 per agriculture acre fee (# bills sent)	3,350	3,973	3,205	3,200		
3.	Review non-metallic mining reclamation plans	3-5	7	9	2		
4.	Newsletter (in partnership with Fox Wolf Watershed Alliance's Basin Buzz)	2	1	2	2		
Priority 12 – Groundwater Protection Areas							
Groundwater protection areas refer to locations where sensitivity is needed in order to protect groundwater quality.							
1.	Provide cost-sharing to abandon unused wells	5	3	0	1		
Priority 13 – Targeted Performance Standards Implementation. Silurian Bedrock							
1.	Send notification to landowners with soils 0-5ft	-	-	-	263		
Priority 14 – Adaptive Management NEW Water: Silver Creek Watershed Project, Dutchman and Ashwaubenon Creek							
1.	Attend meetings	3	3	3	2		
2.	Technical assistance requests	6	3	4	3		

Priority 15 – Plum/Kankapot Creeks Watershed Project							
1. Meet with Outagamie County and Fox Wolf Watershed Alliance	20	20	25	20	20		
2. Acres of cover crop	200	79.5	525	600			
3. Acres of buffers	4	9.65	14.23	23			
4. Conservation practice installation	4	1	0	10			
5. Concentrated flow protection Acres	8	12	3	-			
Priority 16 – Conservation Reserve Enhancement Program							
1. Riparian buffer, filter strips and wetland restoration landowner agreements	4		4	7			

WISCONSIN WILDLIFE DAMAGE PROGRAM PLAN OF ADMINISTRATION

BROWN COUNTY

As confirmed in the County Board of Supervisor's Resolution No. 1987, the County requests to participate in the Wildlife Damage Abatement and Claims Program (WDACP), established under s. 29.889, Stats., and s. NR 12, Wis. Adm. Code. This Plan of Administration (Plan) outlines the relationships and duties of the County and the Wisconsin Department of Natural Resources (WDNR), herein called the Parties. By submission of this Plan the County agrees to fully comply with s.29.889, Stats., s. NR 12, Wis. Adm. Code and the Wisconsin WDACP Technical Manual, which are made part of this Plan by reference.

- A. Definitions: For the purposes of this Plan, the Parties, the County and WDNR, accept the definitions found in s. 29.889(1), Stats., and s. NR 12.31, Wis. Adm. Code. In addition, the Parties agree that:
 - 1. "Improperly filed claims" means any wildlife damage claim received by WDNR which does not comply fully with all eligibility requirements of s. 29.889, Stats., s. NR 12, Wis. Adm. Code or this Plan or procedures described in the WDACP Technical Manual.
 - 2. "Permanent fence contract" means any fence contract written in accordance with the Wisconsin WDACP Technical Manual and designed to remain effective for a minimum of 15 years.
- B. Level of Participation:
The County agrees to administer the full Wildlife Damage Abatement and Claims Program.
- C. Eligible Species:
The County agrees to administer the WDACP with respect to the following wild animals: bear, cougar, deer, elk, goose, turkey, and sandhill crane*.
**become eligible for program services when a hunting season is established.*
- D. Eligible Crops:
The County agrees to provide the WDACP with respect to the following: Damage to commercial seedlings or crops on agricultural lands, damage to crops that have been harvested for sale or further use but have not been removed from the agricultural land, damage to orchard trees, Christmas trees, nursery stock or damage to livestock or apiaries.
- E. Administration Responsibility:
 - 1. The County, through designation of an established oversight committee shall provide overall supervision of the WDACP including approval of: annual budget requests, permanent fence contracts, properly filed wildlife damage claims and enrollee appeal (if any).
 - 2. The County shall provide day-to-day administration, recordkeeping, purchasing, field investigations, recommendation/delivery of abatement paperwork or equipment, field operations, crop appraisals, and budget preparations.
- F. Budgeting:
 - 1. The County agrees to:
 - a. Prepare a draft WDACP budget request for the following calendar year for County review at the designated oversight committee's October meeting.
 - b. Keep administrative costs to a minimum.

- c. Provide an annual budget request (Section IV.) to WDNR by **November 1st** immediately preceding the calendar year it pertains to. All budget requests will include cost estimates for administration, abatement, wildlife damage claims and an estimated number of claimants.
 - d. Prepare quarterly reimbursement requests to WDNR for eligible WDACP expenditures by the following deadlines: 1st quarter - May 31; 2nd quarter - August 31; 3rd quarter - November 31; 4th quarter - March 1.
 - e. Not bind WDNR for expenditures beyond the approved County Plan of Administration. The County may, by written amendment, request additional funding. It is understood that additional funding is not guaranteed and is subject to fund availability.
 - f. Submit all wildlife damage claim requests which are in compliance with s. 28.889, Stats, and s. NR 12.34, NR 12.35, NR 12.36, NR 12.15 and NR 12.16 for the previous calendar year to WDNR by the next succeeding March 1st.
2. WDNR agrees to:
- a. Review and approve, amend or deny the annual budget request in accordance with s. 29.889, Stats., and s. NR 12.32, Wis. Adm. Code, and advance funds under s. NR 12.34, Wis. Adm. Code within 30 days of budget approval.
 - b. Review and approve, amend or deny reimbursement requests in accordance with s. NR 12.34 and 12.35, Wis. Adm. Codes.
 - c. Review and act on properly filed wildlife damage claims requests no later than June 1 following the calendar year in which damage occurred.
 - d. If eligible wildlife damage claims are submitted late by the County, WDNR may accept and process the claims if funds are available, and if the payment will not adversely affect claimants for preceding calendar year claim payments.
 - e. If statewide approved wildlife damage claims exceed available funds, claims shall be paid on a prorated basis as established in s. NR 12.37(3) Wis. Adm. Code.
3. The Parties mutually recognize and agree:
- a. WDNR shall not bind the State of Wisconsin to pay costs beyond the amount appropriated for the WDACP. WDNR may defer until after July 1st, the payment of County reimbursement requests beyond the initial 25% funds advancement.
 - b. The County may distribute permanent fence materials to the landowner immediately upon the LCC's approval of a signed permanent fence contract, after written project approval by WDNR, completion of the bidding process and subject to the limits imposed by the WDNR approved WDACP budget for that year.
 - c. Supplies, materials, and equipment purchased for WDACP operations shall be turned over to the WDNR or its agents if this Plan is terminated by any of the Parties.
 - d. WDNR shall not reimburse the cost of abatement measures unless those measures were prescribed and implemented according to county direction and the Wisconsin WDACP Technical Manual, or unless written approval is given by WDNR.
 - e. WDNR shall not make payment for any wildlife damage claim which does not comply with all eligibility requirements of s. 29.889, Stats., s. NR 12, Wis. Adm. Code or this Plan of Administration.

G. Recordkeeping:

1. The County agrees to:

- a. Maintain recordkeeping practices and procedures that conform to accounting practices directed by the Department of Natural Resources and in compliance with s. NR 12.39, Wis. Adm. Code.
- b. Make all records and files relating to the WDACP available to the WDNR, upon request.
- c. Send copies of any WDACP documentation to the WDNR upon request.
- d. Use WDNR authorized databases and forms for billing and reporting.
- e. Maintain separate enrollee files and keep records of all abatement recommendations, appraisals and all WDACP related interactions with each enrollee.
- f. Direct all billings to WDNR Wildlife Damage Specialist (see Contact Person List).

2. WDNR may:

Conduct periodic audits of County recordkeeping procedures and prepare a written report to the County.

3. The Parties recognize and agree:

All WDACP records are subject to the Wisconsin Open Records Law, s. 16.61, Stats.

H. Abatement Measures:

1. The Parties mutually recognize and agree that:

- a. The County shall prepare an annual informational news release for County residents on the WDACP describing how services may be requested.
- b. All enrollees shall be required to have a signed enrollment form on file to meet the hunting requirements in s. 29.889 (7m), Stats. and s. NR 12.36 Wis. Adm. Code prior to providing WDACP assistance.
- c. All abatement measures prescribed to alleviate wildlife damage shall conform to the procedures and priorities found in the Wisconsin WDACP Technical Manual and will be accepted by the County as complete and appropriate "prescribed abatement". Other abatement measures may be used if approved in advance in writing by WDNR.
- d. In the event equipment loaned by the County to a particular crop owner is damaged beyond normal wear and tear, the crop owner shall be responsible for parts and labor to repair and the County agrees to seek such costs in all reasonable manners, including legal action. If the repair cost exceeds the value of the equipment, the crop owner will be billed for the equipment. If the enrollee fails to pay:
 - 1) The County shall refuse to provide subsequent materials or equipment until payment is made, (consequently the crop owner would be ineligible for a wildlife damage claim) to the County, or
 - 2) The County will take reasonable legal action to recover the loss, and deposit the proceeds in the County's WDACP account.
- e. Permanent fences for deer damage abatement shall only be recommended subject to the priorities and conditions set forth in the Wisconsin WDACP Technical Manual.
- f. A WDACP enrollee for which a permanent fence has been recommended and approved will be required to agree to the design of the fence in advance of letting the project for bid. The enrollee

will be responsible for all materials or installation costs in excess of the low bid amount if the enrollee requests changes in fence design subsequent to letting bids for said fence.

- g. A permanent fence contract shall be signed by the applicant/ landowner, the County, and WDNR prior to bidding for materials and installation costs. The Contract used shall have all the provisions in the "model" contract in the current WDACP "Technical Manual". This contract shall be registered with the appropriate County Register of Deeds.
 - h. All permanent fences shall be built according to the specifications found in the current WDACP Technical Manual or have written approval from WDNR.
 - i. The County will pay the WDACP's 75% obligation for permanent high tensile woven wire fence projects approved by the WDNR, when the County has determined that WDACP requirements for fence materials and construction have been met.
 - j. The County shall conduct inspections a minimum of one each year of all permanent fences cost-shared through the WDACP to insure Fence Contract Compliance.
 - k. The County shall seek competitive bids for all WDACP expenditures likely to exceed \$1,000 in cost.
 - l. Enrollees shall be encouraged to integrate sound conservation practices with their normal agricultural practices. Counties may place as a condition for abatement and claims assistance that enrollees comply with County farm conservation plans.
 - m. The County, in accordance with s. NR 12.35(4) will not administer abatement measures to persons not cooperating with County personnel or the County's agents responsible for administering the County's Wildlife Damage Abatement and Claims Program. Abusive language, behavior or threats of violence or otherwise will be considered a failure on the part of an applicant to cooperate. This condition of administration will be provided by the County or its agent, in writing to program participants.
 - n. If the County elects to participate in the WDACP Venison Donation Program that is authorized by the WDNR in accordance with s. 29.89, Stats in a given year, the County will establish and coordinate development of the program.
 - o. The County will reimburse venison processing facilities for processing deer donated under a WDACP Venison Donation Program approved by the WDNR in accordance with s. 29.89, Stats. The County is obliged to reimburse participating venison processing facilities once it is determined that all WDACP Venison Donation Program requirements have been met by the facility.
2. WDNR agrees to:
- Provide current information on abatement effectiveness through the WDACP newsletter and/or changes to the WDACP Technical Manual.
- I. Wildlife Damage Claims.
1. The County agrees to:
- a. Advise County WDACP enrollees in writing regarding procedures and requirements for submitting a wildlife damage claim, and all other WDACP eligibility requirements.
 - b. Require that potential claimants specify in writing or by telephone: the location of damage, crop(s) being damaged, species of wildlife causing damage and the date damage first occurred.
 - c. Require that potential enrollees have a signed enrollment form (WDNR form) on file to meet the hunting requirements in s. 29.889 (7m), Stats. and s. NR 12.36(2) Wis. Adm. Code. The County may

require the enrollee to keep a hunting access log, using the approved form. This log shall be kept complete and the enrollee shall make this log accessible to the County, counties agent or WDNR for their enforcement of the hunting access requirement and to investigate any complaints regarding compliance to the hunting access requirement in s. 29.889 (7m), Stats.

- d. Date the damage notice, inspect the alleged damage to verify the enrollee's statements and recommend abatement measures.
- e. Determine the amount of huntable land and the applicable number of hunters for each enrollee in accordance with ss. NR 12.31 (4), Wis. Adm. Code, notify each enrollee of the requirement to allow open public hunting or managed hunting access (at least 2 hunters per 40 acres of land suitable for hunting), and provide "Hunting by Permission Only" signs if requested by the enrollee. Land suitable for hunting all eligible species other than deer and elk shall be determined in a manner consistent with NR 12.31(4). Land suitable for hunting deer and elk shall be determined in a manner consistent with NR 12.31(4e). Participants who only receive a deer shooting permit and waive any eligibility to receive a wildlife damage claim payment are exempt from the public hunting requirement (s. NR 12.36 (1m)).
- f. Provide the WDNR, and the public, upon request, a list of enrollees (and their contact information) who have signed enrollment forms under the terms of the WDACP.
- g. Notify WDACP enrollees that ineligibility on any site will result if they fail to:
 - 1) Control hunting access on all contiguous land under the same ownership and control, except in situations involving apiaries on land not controlled by the enrollee as defined in s. 29.889 (7m)(am), Stats.
 - 2) Allow public hunting for the species causing damage (two options available).
 - a) Open public hunting, or
 - b) Managed hunting access – the presence of 2 hunters/40 acres of land suitable for hunting
 - 3) Sign enrollment form(s)
 - 4) File a wildlife damage complaint with the County within 14 days of first damage each year.
 - 5) Follow the County's abatement prescriptions.
 - 6) Notify the County, orally or in writing, 10 days prior to harvest of crops subject to a statement of claim so that the County can conduct a damage appraisal.
 - 7) Comply with the requirement that they not charge any hunting, hunting access fee or any fee associated with the hunting the species causing damage.
 - 8) Meet their shooting permit harvest objective if a shooting permit has been issued.
- h. Inspect the crop prior to harvest, conduct an appraisal upon the crops using appraisal methods detailed in the WDACP Technical Manual, and prepare a wildlife damage claim form.
- i. Retain the claim until the end of the calendar year to determine the claimant's compliance with the WDACP requirements.
- j. Establish, as described below, uniform unit prices for eligible crops and calculate the value of the eligible wildlife damage claim.
- k. Deduct from the total wildlife damage claim amount any charge for damage to equipment or

materials supplied through the WDACP.

- i. Summarize and prepare the necessary WDNR forms for all eligible wildlife damage claims for review by the designated County oversight committee at the January meeting. Notify in writing any claimant whose wildlife damage claim has been rejected and state the reasons for the rejection, as well as, the appropriate appeal procedures in time for the February committee meeting. Review and approve all properly filed wildlife damage claims and forward all approved claims for a calendar year to WDNR by the succeeding March 1st.
 - m. Deny all wildlife damage claims for crops that were harvested without notification of harvest or before an appraisal was completed (within a 10 day period from notification of harvest).
 - n. Deny all wildlife damage claims for a crop site for which a WDACP enrollment form was not signed by the claimant and filed with the County.
 - o. Deny all wildlife damage claims where the County did not receive a complaint within 14 days of first damage.
 - p. Deny all wildlife damage claims concerning crop sites where the County's abatement recommendations were not followed.
 - q. Ensure that crop damage resulting from improper crop management is not included in official crop damage appraisals conducted County staff prior to preparation of the enrollee's official wildlife damage claim.
 - r. Deny all wildlife damage claims where the enrollee with a deer damage shooting permit had not complied with the WDNR prescribed harvest objective. However, if there is compelling evidence which shows deer were unavailable to being shot, then the County shall review such evidence following procedures described in s. NR 12.37(4)(a)4.b., Wis. Adm. Code.
 - s. Deny all wildlife damage claims on row crops for damage occurring to these crops during a particular growing season after 90 percent of the county harvest for this crop has been completed. The County oversight committee shall consult the local FSA and UW Extension offices for assistance in making the 90 percent determination.
2. WDNR agrees to:
Accept the amount of wildlife damage for all properly filed wildlife damage claims approved by the County as final for purposes of review.
 3. It is mutually agreed by the County and WDNR that:
 - a. Damage assessment for compensation will be performed by County staff in accordance with the WDACP Technical Manual, and will be accepted by the County as complete and accurate "assessed damage".
 - b. Compensation prices will be established by the oversight committee, in cooperation with UW Extension, each year. Such prices will be established according to procedures set forth in the WDACP Technical Manual. Such prices will be applied to all individuals with eligible wildlife damage to that crop that year throughout the county.
 - c. Public complaints (abatement compliance, fraud, etc.) must be written and received by the County by December 31 to be given consideration in the wildlife damage claims determination process. Hunting access denial complaints shall be written and received by the County within 10 days of hunting access denial to be given consideration in the wildlife damage claims determination process, as described in the WDACP Technical Manual, Reference Manual).

- d. The County will not administer a damage appraisal and/or claims to persons not cooperating with County personnel or its agents responsible for administering the County's WDACP. Abusive language, behavior or threats of violence or otherwise will be considered a failure on the part of an applicant to cooperate. This condition of administration will be provided by the County or its agent, in writing to program enrollees
 - e. As required by s. NR 12.37(4)(a)4.b., Wis. Adm. Code as part of the claims approval process, if a enrollee who has been issued a shooting permit is found not to be compliant with the harvest objective prescribed under his or her permit under s. NR 12.16(2)(a), Wis. Adm. Code, then the County, its agent, and the department shall consult before making a collective recommendation to grant an exemption to the harvest objective requirement. This group shall review the evidence and if there is consensus that an exemption is warranted, shall recommend that the County designated committee charged with approval of such damage claims, grant approval of the damage claim for the year in which the permit was issued. Compelling evidence that shall be used is detailed in s. NR 12.16(2)(b)2., Wis. Adm. Code.
- J. Changes:
The terms of this Plan may be changed by written amendment approved by all Parties.
- K. Termination:
- 1. The County may terminate participation in the WDACP upon notifying WDNR in writing thirty (30) days prior to termination.
 - 2. WDNR shall terminate a County Plan of Administration if the County does not comply with all conditions of s.29.889, Stats., s. NR 12, Wis. Adm. Code, this Plan, the Wisconsin WDACP Technical Manual or fails to properly report costs of the program or claims. WDNR shall give 30 days written notice of termination.
 - 3. WDNR agrees to reimburse the County for reasonable WDACP costs incurred and determined proper by WDNR under this Plan prior to the effective date of termination.
- L. Length of Effect:
This Plan shall remain in effect until December 31, 2023 (5 years from WDNR approval).

M. Approvals:

BROWN COUNTY

Date _____

By _____

Title _____

DEPARTMENT OF NATURAL RESOURCES

Date _____

By _____
Section Chief,
Bureau of Wildlife Management

CONTACT LIST:

1. Wisconsin Department of Natural Resources
Bureau of Wildlife Management - Administration
Brad Koele, Wildlife Damage Specialist
8770 Hwy J
Woodruff, WI 54568

Phone: 715 356-5211 ext. 234

Email: Bradley.Koele@wisconsin.gov

2. Brown County
Jon Bechle, Assistant County Conservationist
Land & Water Conservation Department
P.O. Box 23600
Green Bay, WI 54305-3600

Phone: (920) 391-4620

Email: bechle_j@co.brown.wi.us

3. If the County hires a contractor to conduct field work, that person's name, address and contact information should appear here.
